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EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/577,658

Applicant(s)

OWEN ET AL.

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8-11, 23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-11, 23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Final Office Action is responsive to applicant's amendment filed 21 July 2003. Applicant's amendment of 21 July 2003 amended claims 2-6, 8, 9, 11, 23, 25, and 26, canceled claims 1, 7, 12-22, and 24, and added claims 27-30. Currently, claims 2-6, 8-11, 23, and 25-30 are pending.

#### ***Response to Amendment***

2. The objection to the drawings in the First Office Action is withdrawn in response to the applicant's amendment to the drawing with the exception of the request for corrected drawings since the original drawings were illegible. The replacement sheets for figures 2-7 are replete with errors and are not accepted. Examples include:

- a. Figure 2: missing "Selected Module:"
- b. Figure 4: "local service" and "number of accounts" detail information is reversed. Missing reference designator 404.
- c. Figure 5: the titles "Selected Module:" and "User" are reversed.
- d. Figure 6: missing full title. Instead of "Quality of Contact", it should be --Type of Quality Contact--.
- e. Figure 6: missing detailed information that filled in the blanks.
- f. Figure 7: missing detailed information that filled in the blanks.

3. The objection to the specification in the First Office Action is withdrawn in response to the applicant's amendment to the specification.

*Response to Arguments*

4. Applicant's arguments with respect to claims 8, 26, 27, and 29 and their respective dependent claims have been considered but are moot in view of the new grounds of rejection. As to amended claims 8 and 26, applicant asserts that Kraft (Kraft, K., There's a Goldmine in Collections! Using Contact Management Software to Manage Your Collection Effort, Newspaper Financial Executives Quarterly, Reston, Vol. 3 Issue 4, Third Quarter 1997, pages 28-29 [PROQUEST]) does not teach storing the billing information in the customer contact database associated with the particular customer as newly claimed and does not provide for the billing information to be stored in the customer contact database to be viewed by the sales representative. The examiner disagrees with the applicant's argument since Kraft teaches that the first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information (Page 28, Col. 2). Therefore, the billings data was part of the customer contact database and was displayed on the customer contact screen. Kraft also teaches the Goldmine software was rolled out to the outside sales force (Page 29, Col. 2), which made the billings information available to the sales representative.

5. As to new claims 27 and 29, the applicant argues that the specific quality information claimed along with sorting the database specifically according to the quality information is not contained in Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21<sup>st</sup> Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]), and asserts the Zarowitz et al. is insufficient

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to anticipate the specific method to determine performance of the employee. The examiner addresses the new claims in the 35 USC 103(a) rejection below.

*Specification*

6. The disclosure is objected to because of the following informalities:

g. Amended paragraph starting on page 18 and extending onto page 19, delete "Button 716 allows users to brows by man fid or customer code", and insert -- Button 716 allows users to browse by man fid or customer code--.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

New claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "subjective quality" in claims 27 and 28 is a relative term that renders the claim indefinite. The term "subjective quality" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of examination the term "subjective quality" is defined as a measure or rating of the

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quality of the contact to determining if the contact was a serious sales or marketing contact, or just a simple follow up or confirmation of service delivery.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-6, 9, 10, 25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21<sup>st</sup> Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]) in view of Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]). Zarowitz et al. discloses a system and method for managing customer contacts and related information comprising:

- [Claim 27] receiving a first item of contact information from one of a plurality of sales representatives (Para 15-16, Zarowitz et al. teaches contact management software where the software system can retrieve data from a user's Web site where someone visiting the Web site has entered their name, address, and so on, and create a contact record. The data is invaluable to the sales department. The examiner interprets sales department to include sales representatives.);
- storing the first item of contact information in a database and associating the contact information with a particular entity (Para 4-5, Zarowitz et al. teaches the historical marketing data and other business-related information is stored and organized in a central location with the contact as the focal point. The contact management software

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helps people stay in touch with their customers. The examiner interprets customers as entities and storage to be a database since the system uses software.);

- receiving a second item of contact information from one of a plurality of sales representatives (Para 5, Zarowitz et al. teaches when follow-up calls, meetings, or other actions are scheduled and completed, one click automatically enters the information into the system's record); and
- the second item of contact information received after the first item of contact information (Para 5, Zarowitz et al. teaches historical activities about contacts can be retrieved. The examiner interprets historical activities relate to chronological or time sequenced activities which can be received.), and
- the first and second items of contact information made available to the plurality of sales representatives (Para 7, Zarowitz et al. teaches contact management packages for workgroups that allow teams and people to share information).

Zarowitz et al. fails to teach receiving and storing information in the database regarding the subjective quality of the particular entity, and sorting the contact information stored in the database based on the subjective quality of the particular entity. Metzler teaches contact management software where the user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client (Para 12-14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the capability to designate the type of contact with Zarowitz et al. since Metzler teaches it is old and well known in the contact management art to use contact management software to help identify opportunities (Para 4). Using a contact management software package allows the users to be faster, more responsive, accurate, and detailed when communicating with the contact and management

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(Zarowitz et al.: Para 1). Having the ability to designate the type of contact and sort the information allows users to save time and be organized. The result is the user is faster and responsive to both the customer and internal management since the information is accurate and detailed.

- [Claim 2] the first item of contact information is received through a website (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can collect information from the Internet).
- [Claim 3] the first item of contact information is received from a first sales representative and the second item of contact information is received from a second sales representative (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- [Claim 4] the first and second items of contact information are sent to a third sales representative (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- [Claim 5] the entity is a business (Zarowitz et al.: Para 4, Zarowitz et al. teaches contact management software retrieves business-related information).
- [Claim 6] the first item of contact information is associated with a sales representative (Zarowitz et al.: Para 3 and 16, Zarowitz et al. teaches a contact management system that can empower your staff to maximize marketing opportunities and successes. Data gathering could be invaluable to the sales department.).
- [Claim 9] reports are generated, including a follow up list (Zarowitz et al.: Para 2 and 13, Zarowitz et al. teaches the contact management software allows you to set up reports to track the progress of a project and allows you to enter information to include when you scheduled follow-ups).
- [Claim 10] the follow up list is sorted chronologically (Zarowitz et al.: Para 6 and 11, Zarowitz et al. teaches the process can automatically populate the contact records to schedule a follow-up call. Advanced calendar and scheduling components are like a personal secretary in that they will remind the user to make those calls, meetings or deadlines. The examiner interprets scheduling to imply chronological order.).
- [Claim 25] a field for receiving the quality of a customer contact (Zarowitz et al.: Para 4, Zarowitz et al. teaches contact management software retrieves business-



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related information. Metzler: Para 12-13, Metzler teaches some of the fields include the type of contact and rates the prospects.).

- [Claim 28] the second item of contact information is characterized as having a second quality related to the particular entity different from the subjective quality (Metzler: Para 12-14, Metzler teaches other fields include client interests such as sports, politics, or religion and important notes on the client).
- [Claim 29] receiving customer contact information related to a customer contact from the employee, including information related to the quality of the customer contact (Metzler: Para 10-14, Metzler teaches firms want to get running on contact management software quickly. A practicing CPA uses user definable fields where the type of contact has been designated. Prospects are rated such as hot, cool or suspect contacts. The examiner interprets a CPA to be an employee.);
- storing the customer contact information in a database (Zarowitz et al.: Para 4-5, Zarowitz et al. teaches the historical marketing data and other business-related information is stored and organized in a central location with the contact as the focal point. The contact management software helps people stay in touch with their customers. The examiner interprets storage to be a database since the system uses software.);
- associating the employee with the customer contact information received (Zarowitz et al.: Para 4-5, Zarowitz et al. teaches contact management software that lets “you” manage and instantly retrieve information about “your” historical marketing data and other business-related information. Follow-up meetings and actions are scheduled and “you” can easily retrieve pending and historical activities about “your” contacts. The examiner interprets the use of the words “you” and your” in the reference to imply a link between the contact information and the employee.);
- producing a report including at least some of the customer contact information associated with the employee (Zarowitz et al.: Para 13, Zarowitz et al. teaches contact management software allows reports to be set up to track the progress of a project or employee’s performance.);
- and reviewing the information of the quality of the customer contacts associated with the employee to determine performance of the employee (Metzler: Para 10-14, Metzler teaches a practicing CPA uses user definable field where the type of contact has been designated. Prospects are rated such as hot, cool or suspect contacts. The examiner interprets a CPA to be an employee. Zarowitz et al.: Para 13, Zarowitz et al. teaches contact management software allows reports to be set up to track the progress of a project or employee’s performance. The manager determines what data measures work efforts and successes. In a contact record client placements can be entered. The reporting function helps track placements, modify marketing strategies,

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and demonstrate accountability. The examiner interprets client placement to be the quality of the customer contact.).

Claim **30** recites substantially the same limitations as that of claim **27** with the distinction of the recited method being a system comprising: a menu-driven interface portion communicating with a plurality of employees and adapted to send and receive information from the plurality of employees; and a database in communication with the menu-driven interface portion, the database comprising memory and information in the memory, including information related to a customer, the system permitting one of the plurality of employees to store information related to the customer and another of the plurality of employees to retrieve information related to the customer, the information stored being associated with a particular module representing a classification of customers. Computer software to run the method on a system is considered inherent because the computer technology and contact management software in Zarowitz et al. and Metzler is computer-based. Hence, the same rejection for claim **27** applied above applies to claim **30**.

10. Claims **8**, **11**, **23**, and **26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21<sup>st</sup> Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]) and Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Kraft (Kraft, K., There's a Goldmine in Collections! Using Contact Management Software to Manage Your Collection Effort, Newspaper Financial Executives Quarterly, Reston, Vol. 3 Issue 4, Third Quarter 1997, pages 28-29 [PROQUEST]). As to claims **8** and **26**, Zarowitz et al. and

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Metzler disclose a system and method for managing customer contacts and related information, but fail to teach the method and system wherein a billing system automatically interacts with the database and stores billing information associated with the particular entity in the database. Kraft teaches that the first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information (Page 28, Col. 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the capability to interface with the billing system with Zarowitz et al. and Metzler since the teaching of Kraft teach that it was old and well known in the contact management art to use contact management software to automate the collection effort (Page 28, Col. 2, Para 1). Zarowitz et al. discloses that a good contact management software program integrates with other office communications to include access to the Internet. This allows the staff to maximize marketing opportunities and successes. Goldmine software was identified as software to visit on the web (Para 3, 14-16, and sidebar). Kraft discloses the concept in sales force automation and contact management also applied to collections. The same information you need for billing is the same information needed for contact management. Goldmine software was modified to display the information (Page 28, Col. 1, Para 3 to Col. 2, Para 2, and Page 29, Col. 2, Para 3). Implementing the integrated link between the contact management software and the billing system would help reduce system redundancies, therefore, cost, and improved cash flow by reducing outstanding accounts receivables.

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As to Claims 11 and 23 Zarowitz et al. and Metzler disclose a system and method for managing customer contacts and related information, but fail to teach the sales representatives are automatically notified of appointed contacts. Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call (Page 29, Col. 1, Para 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the capability to be automatically notified of appointments with Zarowitz et al. and Metzler since the teachings of Kraft teaches that it was old and well known in the contact management art to have the capability to be automatically notified of appointments with contacts. Zarowitz et al. discloses contact management software that includes making appointments and scheduling follow-ups (Para 8). Using a contact management software package allows the users to be faster, more responsive, accurate, and detailed when communicating with the client. To schedule follow-ups and have automatic system notification allows the representative to be timely, more responsive, and accurate when communicating with the customer, thus working smarter to stay competitive.

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents  
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<b>(703) 872-9306</b>	[Official communications; including After Final communications labeled "Box AF"]
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7<sup>th</sup> floor receptionist.

mch  
27 August 2003

  
**TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
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